

**AMENDMENT NO. ONE (1)**  
**INTERGOVERNMENTAL AGREEMENT**  
**BETWEEN**  
**THE STATE OF ARIZONA,**  
**AND**  
**THE KAYENTA TOWNSHIP COMMISSION,**  
a political subdivision of the NAVAJO NATION

**THIS AMENDMENT** is entered into 23rd March, 2004, **Amendment Number 1**, to JPA 00-110, AG Contract No.: KR00-1455TRN, filed 26 September, 2002, filed with the Secretary of State under No. 25517, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State"), and the KAYENTA TOWNSHIP COMMISSION, a political subdivision of the NAVAJO NATION, acting by and through its COUNCIL (the "Township").

**I. RECITALS**

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The Township is empowered by Navajo Nation Council, to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the Township.

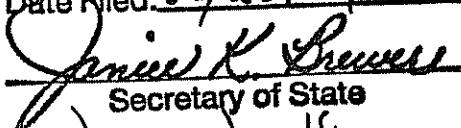

**THIS AGREEMENT is amended to correct the location of the State's planned improvements and re-define each party's respective responsibility.**

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

**Recital I, Paragraph 3, is deleted and replaced with the following:**

3. Incident to the State's highway improvement project of US 163, either now constructed or contemplated for future construction, the State and the Township desire to construct roadway lighting on US-163 from MP 393.5 to MP 395.8 ("Roadway Lighting"), and a new warranted 4-legged traffic signal located at the intersection of US 163 and N-106, under TRACS No. HX119 01C, including, but not be limited to: the construction of curb, gutter, sidewalk, wheelchair ramps and pavement markings, at a total estimated cost of \$170,00.00, herein collectively referred to as the "Project". The parties agree to share in the cost of construction, which is based on a 50/50 cost participation by each party. Upon completion of construction, the State will maintain the traffic signal and lighting, the Township will provide electric power to operate the traffic signal and lighting for the Project.

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NO. 25517  
Filed with the Secretary of State  
Date Filed: 03/23/04  
  
Secretary of State  
By: 

**II. SCOPE OF WORK**

1. The State will:

**Article II. Paragraph 1.d. is amended as follows:**

d. Upon completion of the Project, invoice the Township for 50% participation of the total construction cost of the traffic signal portion of the Project, including its proportionate share of any cost increases, currently estimated at \$85,000.00.

**Article II. Paragraph 1.e. is added as follows:**

e. Upon completion of the Project, approve and accept the Project on behalf of the parties hereto.

2. The Township will:

**Article II. Paragraph 2.b. and 2.c. are deleted and replaced as follows:**

b. Be responsible for funding 50% participation of the total construction cost of the traffic signal portion of the Project, including its proportionate share of any cost increases, currently estimated at \$85,000.00.

c. Upon completion of the Project, and within 30 days after receipt of an invoice, pay the State for 50% participation of the total construction cost of the traffic signal portion of the Project, currently estimated at \$85,000.00. Be responsible for its proportionate share of any signal Project related construction contract modifications or cost increases.

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IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

**KAYENTA TOWNSHIP**

By   
GARY H. NELSON  
Township Manager

**STATE OF ARIZONA**

Department of Transportation

By   
MICHAEL P. MANTHEY, P.E.  
State Traffic Engineer

**RESOLUTION OF THE KAYENTA TOWNSHIP COMMISSION**

**Amending the Kayenta Township Commission Resolution No. KTCMY-26-02 that  
Approved an Intergovernmental Agreement between the Kayenta Township Commission  
and Arizona Department of Transportation for the Installation of a Traffic Signal in  
Kayenta, AZ**

**WHEREAS:**

1. The Kayenta Township Commission (KTC), the duly elected governing body of the Kayenta Township, is authorized to oversee all planning and development activities within the site designated as the Township boundary, including but not limited to: conduct of meetings, approval of business leases, and entering into business, financial, and development agreements in furtherance of its responsibilities and duties; and
2. On May 4, 2002 the KTC approved an Intergovernmental Agreement between the Kayenta Township Commission and Arizona Department of Transportation (ADOT) for the installation of a traffic signal light at the intersection of Hwy 163 and N-18, that is near the new Post Office in Kayenta, Navajo Nation (AZ); and
3. Errors were discovered in said resolution that requires correction to (Whereas) Paragraph No. 4 and (Now Therefore Be It Resolved) Paragraph No. 1; and
4. Paragraph No. 4 is amended by increasing the \$15,000 amount identified as 1/3 share of the cost of construction by the Kayenta Township Commission to \$45,000 and likewise with Paragraph No. 1; and
5. All other things remain unchanged.

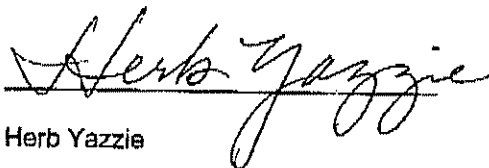
**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Kayenta Township Commission hereby amends Resolution No. KTCMY-26-02, dated May 4, 2002, that approved an Intergovernmental agreement between the Kayenta Township Commission and Arizona Department of Transportation for the installation of a traffic signal at the intersection of Hwy 163 and N-18, by increasing the \$15,000 amount to \$45,000 that is identified as 1/3 share of the cost of construction by the Kayenta Township Commission in (Whereas) Paragraph No. 4 and (Now Therefore Be It Resolved) Paragraph No. 1.

**JPA 00-110****Amendment No. 1****APPROVAL OF THE KAYENTA TOWNSHIP ATTORNEY**

I have reviewed the above referenced intergovernmental agreement between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the KAYENTA TOWNSHIP and declare this agreement to be in proper form and within the powers and authority granted to the Township under the laws of the Navajo Nation. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 5<sup>th</sup> day of January, 2004.

A handwritten signature in cursive script, reading "Herb Yazzie", is written over a horizontal line.

Herb Yazzie

Attorney



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ARIZONA

CIVIL DIVISION  
TRANSPORTATION SECTION  
WRITER'S DIRECT LINE 602.542.8855

TERRY GODDARD  
ATTORNEY GENERAL

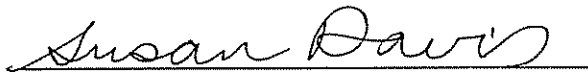
**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR00-1455TRN (**JPA 00-110-Amendment 1**), an Agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: March 17, 2004

TERRY GODDARD  
Attorney General

  
SUSAN E. DAVIS  
Assistant Attorney General  
Transportation Section

SED/mjf  
Attachment  
835344